

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL GARDNER,  
Plaintiff,

v.

KAPPA ALPHA PSI FRATERNITY,  
INC. *et al.*,  
Defendants.

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CIVIL ACTION NO. 24-CV-6722

**ORDER**

AND NOW, this **28th** day of March, 2025, upon consideration of Petitioner Michael Gardner's Motion to Proceed *In Forma Pauperis* (ECF No. 8), Motion to Seal *In Forma Pauperis* Application (ECF No. 7), *pro se* Petition and Exhibits (ECF Nos. 1, 2), and Request for Default Judgment (ECF No. 11), and Defendants' Motion to Strike Petitioner's Request for Entry of Judgment of Default (ECF No, 12), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Petition is **DEEMED** filed.
3. The Motion to Seal *In Forma Pauperis* Application (ECF No. 7) is **DENIED as moot** because *in forma pauperis* applications are already restricted to Court view only.
4. The Harvey-Markham Alumni Chapter is **DISMISSED WITHOUT PREJUDICE** as a Plaintiff in this case.
5. The Petition is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** for lack of subject matter jurisdiction for the reasons in the Court's Memorandum as follows:
  - a. Gardner's federal law claims brought pursuant to 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE**.

b. All other claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

6. Gardner's Request for Default Judgment (ECF No. 11) and Defendants' Motion to Strike Petitioner's Request for Entry of Judgment of Default (ECF No, 12) are **DENIED as moot**.

7. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

**BY THE COURT:**

/s/Kai N. Scott  
**KAI N. SCOTT, J.**